

IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF NORTH CAROLINA  
WESTERN DIVISION

No. \_\_\_\_\_

UNITED STATES OF AMERICA,	)	
	)	
Petitioner,	)	
	)	
v.	)	CERTIFICATION OF A
	)	SEXUALLY DANGEROUS PERSON
PHILIP KATON,	)	
Register Number 04949-082,	)	
	)	
Respondent.	)	

The United States of America, by and through the United States Attorney for the Eastern District of North Carolina, hereby submits the attached Certification of a Sexually Dangerous Person pursuant to Title 18 U.S.C. § 4248(a).

Respectfully submitted, this 14th day of July, 2008.

George E. B. Holding  
United States Attorney

BY: /s/ Michael Bredenberg  
Michael Bredenberg  
Special Assistant U.S. Attorney  
Civil Division  
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N.C. Bar # 26068

CERTIFICATE OF SERVICE

This is to certify that I have this 14th day of July, 2008, served a copy of the foregoing upon the Respondent in this action by placing the documents in an envelope marked as stated below, and providing it to FCC Butner staff to deliver the envelope in hand to:

Philip Katon  
Reg. No. 04949-082  
FCI Butner

and on the same day served a copy of the foregoing by placing a copy in the U.S. Mail, addressed as follows:

Office of the Federal Public Defender  
150 Fayetteville Street Mall  
Suite 450  
Raleigh, North Carolina 27601

/s/ Michael Bredenberg  
Michael Bredenberg  
Special Assistant U.S. Attorney  
Civil Division

**CERTIFICATION OF A SEXUALLY DANGEROUS PERSON**

(1) I, Anthony A. Jimenez, am Chairperson of the Federal Bureau of Prisons (Bureau) Certification Review Panel, Washington, D.C. Pursuant to 28 C.F.R. § 0.97, the Director of the Bureau has delegated to me the authority to certify persons in Bureau custody as sexually dangerous, as authorized by 18 U.S.C. § 4248(a).

(2) Bureau records reflect the following: Inmate Philip James Katon, Register Number 04949-082, is in Bureau custody at the Federal Correctional Institution, Butner, North Carolina, in service of a 51-month term of imprisonment and a two-year term of supervised release, following his conviction for Making False Statements to a Federal Firearms Dealer, in violation of 18 U.S.C. § 922(a)(6) (D. Vt.) (Case No. 1:03-CR-110). His projected release date is August 19, 2008.

(3) Based on a review of his Bureau records, I certify he is a sexually dangerous person as defined by 18 U.S.C. § 4247(a)(5), and sexually dangerous to others as defined by 18 U.S.C. § 4247(a)(6). My certification is based on information found in Bureau records which includes, but is not limited to, the following:

(a) He previously engaged or attempted to engage in sexually violent conduct or child molestation as evidenced by his prior convictions for two counts of Lewd and

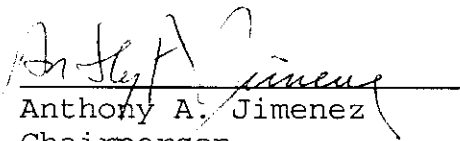
Lascivious Conduct, in the Vermont District Court, Franklin County (Docket No. 1337-11-96 FrCr), for conduct that included rubbing the vagina of a 26-year-old mentally handicapped woman, placing his finger inside her vagina, attempting to place his penis inside her vagina, and rubbing his penis on the victim's vagina when he was unable to penetrate her; three counts of Cruelty to Child, in the Vermont District Court, Chittenden Circuit (Docket Nos. 1760-3-01 and 1761-3-01), for sexually abusing his girlfriend's two daughters and one son, all of whom were under the age of ten. On multiple occasions, inmate Katon forced one of the girls to perform oral sex on him, digitally penetrated both girls, and forced one of the girls to lay naked on top of her brother and engage in acts of a sexual nature; and Simple Assault, in the Vermont District Court, Franklin Circuit (Docket No. 754-5-02 FrCr), for raping his girlfriend's cousin on two occasions;

(b) A limited psychological review indicated the following: Axis I diagnoses of Pedophilia, Sexually Attracted to Both, Nonexclusive Type; Paraphilia Not Otherwise Specified (Nonconsent) (provisional); Axis II diagnosis of Antisocial Personality Disorder (provisional);

(c) An initial assessment of him using two actuarial risk assessment instruments (Static-99 and Rapid Risk

Assessment for Sexual Offense Recidivism (RRASOR)) was conducted. These results, in addition to his prior offense conduct, indicate he will have serious difficulty refraining from sexually violent conduct or child molestation if released.

Pursuant to 28 U.S.C. § 1746, I declare under penalty of perjury that the foregoing is true and correct to the best of my knowledge, information, and belief.

  
\_\_\_\_\_  
Anthony A. Jimenez

Chairperson  
Certification Review Panel  
Federal Bureau of Prisons

5/4/2008  
Date

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FOR THE EASTERN DISTRICT OF NORTH CAROLINA  
WESTERN DIVISION

No. \_\_\_\_\_

UNITED STATES OF AMERICA,	)	
	)	
Petitioner,	)	
	)	
v.	)	ORDER
	)	
PHILIP KATON,	)	
Register Number 04949-082,	)	
	)	
Respondent.	)	

At the request of the Director of the Bureau of Prisons, the government has filed a Certification of a Sexually Dangerous Person pursuant to 18 U.S.C. § 4248, in order for this court to hold a hearing to determine whether the Respondent is a sexually dangerous person as defined by 18 U.S.C. § 4247(a)(5).

Respondent, having demonstrated eligibility for appointment of counsel at government expense, the Federal Public Defender IS DIRECTED to provide representation in this action.

The Court further determines that the Respondent is unable to pay the fees of any witness, and pursuant to Federal Rule of Criminal Procedure 17(b) the Clerk shall issue a subpoena for any witness necessary to present an adequate defense to the pending charge or charges.

The Court further ORDERS that the United States Marshal shall serve any subpoenas presented to him in this case by the office of the Federal Public Defender, and shall pay the appropriate fees and expenses to witnesses so subpoenaed.

Pursuant to 18 U.S.C. section 4247(b), the Court ORDERS the government to conduct a psychiatric or psychological examination of Respondent. Pursuant to this section, if the Respondent wishes to request an additional examiner, he shall request such by separate motion to this court.

The Court hereby notifies the parties that this case has been set for Hearing by videoconference at \_\_\_\_\_ AM/PM on \_\_\_\_\_. The hearing shall be held in Courtroom #2, Seventh Floor, of the Terry Sanford Federal Building, 310 New Bern Avenue, Raleigh, North Carolina.

This \_\_\_\_ day of \_\_\_\_\_, 2008.

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W. EARL BRITT  
Senior U.S. District Judge